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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1229 of 2026

Parkhit Chouhan S/o Late Kiritram Aged About 48 Years R/o Village Jogideepa (Mundha) Police Station Saraipali, District- Mahasamund (C.G.)

... Applicant

versus

State Of Chhattisgarh Through Police Station Saraipali, District- Mahasamund (C.G.)

...Non-applicant

For Applicant : Mr. Kishore Narayan, Advocate.

For Non-applicant/State : Ms. Smriti Shirvastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

16.03.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 339 of 2025 registered at Police Station - Saraipali, District - Mahasamund (C.G.), for the offences punishable under Sections 34(2) of the C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 21.12.2025, during



patrolling, the police allegedly recovered approximately 23 liters of hand-made country liquor (Mahua liquor) from the possession of the applicant, including about 20 liters in a That, the present applicant is innocent and he has falsely been implicated in the case and false seizure memo has been prepared with regard to alleged seizure of liquor.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant is a poor labourer and the sole bread earner of his family and his continued incarceration would cause severe financial hardship to his family. The applicant is a permanent resident of the address mentioned in the cause title and has deep roots in society, with movable and immovable properties there, therefore there is no likelihood of his absconding or tampering with the prosecution evidence. The applicant is in judicial custody since 21.12.2025. It is further submitted that the maximum punishment under Section 34(2) of the Chhattisgarh Excise Act is three years and the alleged offence is triable by the Judicial Magistrate First Class. The police have not followed the guidelines for arrest as laid down by the Hon'ble Supreme Court in Banti Singh vs. State of Chhattisgarh, Arnesh Kumar vs. State of Bihar, Satender Kumar Antil vs. CBI, and Md. Asfak Alam vs. State of Jharkhand (Criminal Appeal No. 2207/2023, decided on 31.07.2023). Considering that the trial is likely to take considerable time and continued detention would amount to pre-trial punishment, the applicant deserves to be released on bail. The applicant undertakes to furnish adequate surety and to abide by all the conditions and directions that may be imposed by this Hon'ble



Court while granting bail, and craves leave to raise additional grounds at the time of hearing of the present bail application.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and further taking into account that the charge-sheet has already been submitted before the competent Court and applicant has no criminal antecedent and that the applicant has remained in jail since 21.12.2025, and the conclusion of the trial is likely to take some time, this Court is inclined to grant regular bail to the present applicant.
7. Let the Applicant – **Parkhit Chouhan**, involved in Crime No. 339 of 2025 registered at Police Station - Saraipali, District - Mahasamund (C.G.), for the offences punishable under Sections 34(2) of the C.G. Excise Act, be released on bail on his furnishing **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail



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during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice